



AUG 5 2002

Mr. Al Pope
President
United Egg Producers
One Massachusetts Avenue, N.W.
Suite 800
Washington, DC 20001

Dear Mr. Pope:

This is in response to your June 13, 2002, letter regarding two issues: (1) the issuance of a temporary marketing permit (TMP) for salad dressing deviating from the United States standard of identity for salad dressing and (2) the Food and Drug Administration's (FDA) recommendation to consumers that they cook eggs until the yolks are firm.

You state that both the United Egg Producers (UEP) and the United Egg Association (UEA) have serious concerns with FDA granting a permit that allows the permanent marketing of salad dressing with a reduction in the quantity of egg yolk because such a reduction diminishes the nutrient content of the product, adversely affects the organoleptic properties of the product, and adversely affects the economics of the egg industry, which is already suffering from a sustained period of depressed egg prices. Both UEP and UEA request that FDA not issue a "permanent permit" to any company that seeks to alter the standard of identity for salad dressing and that egg yolk continue to constitute 4 percent by weight of the product.

We would like to point out that 21 CFR 130.17 provides that FDA may issue a TMP for a product that deviates from a standard of identity. When FDA receives a request for a TMP, we evaluate, among other things, whether the change in the food results in a safe and suitable product, whether the modification reduces the integrity of the standard, and whether the modified food is properly labeled. The initial TMP is in effect for 15 months, after which time, the manufacturer holding the permit may request an extension which must be accompanied by a petition to amend the standard of identity for the product. If the extension is granted, other manufacturers may participate in the market test under the same conditions as the original permit holder until FDA makes a decision about the petition.

We presume that by your request that FDA not issue a "permanent permit," you are asking that we do not revise the standard of identity for salad dressing to require a minimum of only 2 percent egg yolk in lieu of the current requirement of 4 percent.

99p-1041

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For your information, we have received a petition from the Association of Dressings and Sauces that has been placed in Docket No. 99P-1041. This petition requests, in part, that we simplify and modernize the standard for salad dressing. We will forward your letter to the Dockets Management Branch to be included with other comments to the petition. Please be assured that we will consider all comments before making a final decision on whether to revise the standard of identity for salad dressing.

Additionally, in your letter, you state that FDA went beyond what is necessary to protect the public health of consumers when in August 1999 we issued recommendations on egg cooking in the pamphlet entitled “Food Safety Facts for Consumers.” You state that results of research commissioned by North Carolina State University, which you enclosed with your letter, demonstrate that consumers can safely eat eggs with yolks that are beginning to thicken and are heated to proper temperatures. Further, you maintain that with improvements in egg quality assurance programs, FDA should amend its recommendations on cooking of eggs to allow consumers safely to enjoy eggs with yolks that are beginning to thicken and heated to proper temperature.

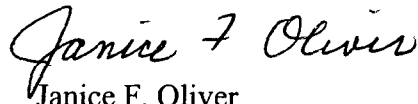
As you are aware, FDA issued a final rule to require that the label of eggs that have not been treated to destroy *Salmonella* bear the following statement:

“SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.”

As FDA stated in the proposed rule (64 FR 36516, July 6, 1999), the cooking instruction “cook eggs until yolks are firm” is one way to describe proper cooking of an egg. The statement is intended to be clear, concise, and easy for consumers to understand and follow. For your information, most comments to the proposal agreed that there should be an instruction on proper cooking. Although some comments supported the language in the cooking instructions, a few comments objected to the cooking instructions. The objections, however, were mainly to the phrase “cook foods containing eggs thoroughly.” As we noted in the final rule (65 FR 76092, December 5, 2000), the intent of the cooking instruction is not to convey every possible scenario that relates to eggs. Thus, we promulgated the final rule requiring the statement, as noted above, to appear on egg cartons. The recommendation in our consumer pamphlet, “cook eggs until both the yolk and the white are firm,” is consistent with the labeling requirement because, during cooking, the white of an egg will become firm before the yolk will. This statement is also intended to be clear, concise, and easy for consumers to understand and follow. Further, we do not agree that improvements in egg quality assurance programs warrant revising our egg cooking recommendations at this time. As you are aware, these programs vary widely in their components, implementation, oversight, and effectiveness.

We appreciate this opportunity to be of assistance and trust that this information is helpful. If you have further questions, please let us know.

Sincerely yours,

A handwritten signature in cursive script that reads "Janice F. Oliver".

Janice F. Oliver
Deputy Director
Center for Food Safety
and Applied Nutrition

Copy to:

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